

Gregg F. LoCascio, P.C. (*pro hac vice*)  
gregg.locascio@kirkland.com  
Sean M. McEldowney (S.B.N. 248368)  
sean.mceldowney@kirkland.com  
Christopher Nalevanko (*pro hac vice*)  
christopher.nalevanko@kirkland.com  
Brian N. Gross (*pro hac vice*)  
brian.gross@kirkland.com  
KIRKLAND & ELLIS LLP  
655 Fifteenth St., N.W.  
Washington, D.C. 20005  
Telephone: (202) 879-5000  
Facsimile: (202) 879-5200

Luke L. Dauchot (S.B.N. 229829)  
luke.dauchot@kirkland.com  
KIRKLAND & ELLIS LLP  
333 South Hope St.  
Los Angeles, CA 90071  
Telephone: (213) 680-8400  
Facsimile: (213) 680-8500

Attorneys for Defendant  
SIEMENS MEDICAL SOLUTIONS USA, INC.  
and SIEMENS AKTIENGESSELLSCHAFT

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

NEUROGRAFIX, ET AL.,

Plaintiffs,

vs.

SIEMENS MEDICAL SOLUTIONS USA,  
INC., ET AL.,

Defendants.

CASE NO. CV 10-1990 MRP(RZX)

**DECLARATION OF SEAN M.  
MCELDOWNEY IN FURTHER  
SUPPORT OF SIEMENS'  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT OF  
INVALIDITY REGARDING  
CLAIMS 3-5, 36, 37, 39-44, 46, 47,  
49, 50, 55, 56, 58, 59, 61, AND 62 IN  
U.S. PATENT NO. 5,560,360 IN  
LIGHT OF CLAIM  
CONSTRUCTION ORDER**

**The Hon. Mariana R. Pfaelzer  
United States District Court Judge**

**Hearing date: October 5, 2011  
Time: 11 a.m.  
Location: Courtroom 12**

SIEMENS MEDICAL SOLUTIONS USA,  
INC.,

Counterclaim Plaintiff,

vs.

NEUROGRAFIX, and WASHINGTON  
RESEARCH FOUNDATION,

Counterclaim Defendants.

I, Sean M. McEldowney, hereby declare:

1. I am an attorney at the law firm of Kirkland & Ellis LLP, which represents Siemens Medical Solutions USA, Inc. and Siemens Aktiengesellschaft (collectively "Siemens") in the above-captioned matter.

2. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the *Markman* Hearing, dated March 24, 2011.

3. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the deposition of Michael N. Brant-Zawadzki, M.D., dated August 16, 2011.

4. Attached hereto as Exhibit 12 is a true and correct copy of Paul A. Bottomley et al., *A review of normal tissue hydrogen NMR relaxation times and relaxation mechanisms from 1-100 MHz: Dependence on tissue type, NMR frequency, temperature, species, excision, and age*, 11(4) Medical Physics 425 (1984).

5. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from Dan L. Bader et al., *Ulcer Pressure Research: Current and Future Perspectives* (Springer ed. 2005).

6. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from P. D. Gatehouse & G. M. Bydder, *Magnetic Resonance Imaging of Short T<sub>2</sub> Components in Tissue*, Clinical Radiology 58 (2003).

7. Attached hereto as Exhibit 15 is a true and correct copy of M. Weiger et al., *Direct Depiction of Bone Microstructure Using ZTE Imaging*, 19 Proc. Intl. Soc. Mag. Reson. Med. 563 (2011).

1 I hereby declare, under penalty of perjury, that the foregoing statements are true  
2  
3 and correct to the best of my personal knowledge.

4 Respectfully submitted,

5  
6 Dated: August 31, 2011

/s/ Sean M. McEldowney  
Sean M. McEldowney

**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2011, a copy of the foregoing  
DECLARATION OF SEAN M. McELDOWNEY IN FURTHER SUPPORT OF  
SIEMENS' MOTION FOR PARTIAL SUMMARY JUDGMENT OF INVALIDITY  
REGARDING CLAIMS 3-5, 36, 37, 39-44, 46, 47, 49, 50, 55, 56, 58, 59, 61, AND  
62 IN U.S. PATENT NO. 5,560,360 IN LIGHT OF CLAIM CONSTRUCTION  
ORDER was served upon counsel of record for Plaintiffs registered with the Court's  
CM/ECF system.

/s/Sean M. McEldowney